

REMARKS / ARGUMENTS

Upon entry of this paper, claim 3 has been amended, no claims have been canceled, and claims 5-61 have been withdrawn. Thus, claims 1-61 are presently pending in this application (with 5-61 withdrawn). No new matter has been added. The applicant has amended claim 3 to correct a typographical error, changing “air” to “pair”.

Assignment

The Examiner states that there is no statement of record indicating that the patent has not been assigned. However, page 2 of the cover letter of the applicant dated January 29, 2004 states that “[t]he patent has not been assigned.” The patent is owned by the sole inventor, Jerry Moscovitch. (Mark Elchuk was deleted as an inventor in the Petition for Correction of Inventorship dated October 8, 2004.)

Rejection Under 35 U.S.C. §103*Claims 1-4*

The Examiner has rejected claims 1-4 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,687,939 (the ‘939 patent). Favorable reconsideration thereof is requested in light of the following.

Claim 1 recites a modular display system having a first support arm to which a second support arm and a third support arm are secured. The third support arm may be readily detached from the first support arm. Advantageously, and as claimed, this results in a display system that may be modularly configured as either a two panel display system or as a three panel or greater display system.

In contrast, the ‘939 patent neither teaches a third support arm nor an arm that is intended to be readily detached from the first support arm to enable the display system to be modularly configured.

The Examiner states that it would have been obvious to provide an additional support arm analogous to the horizontal arm taught in the '939 patent since mere duplication involves only routine skill. However, the applicant respectfully submits that the third support arm recited in claim 1 of the instant reissue application is neither analogous to, nor a duplication of, the horizontal arm taught in the '939 patent.

In particular, mere duplication of the horizontal arm taught in the '939 patent would result in another horizontal arm that is not readily detachable from the vertical arm to enable the display system to be modularly configured. Contrary to the presently claimed invention, Figure 19 of the '939 patent discloses that the horizontal arm 162 is bolted to the vertical support arm 158 in such a way that it is not readily detachable. The specification states that: "A bolt 210 inserts through a clearance hole (not illustrated) in the rear of the socket 206 [of the vertical arm 158] and threads into the plug 208 [of the horizontal arm] to prevent relative axial separation of the socket 206 and plug 208." (*see col. 7, lines 43-46*) Thus, duplicating this horizontal arm of the '939 patent would result in a third arm that is not readily detachable to enable the system to be modularly configured. In other words, the particular locking arrangement disclosed in the '939 patent prevents a third arm from being readily detachable from the first support arm to enable the display system to be modularly configured. Accordingly, a mere duplication of the horizontal arm of the '939 patent would not provide a third arm that includes the limitations of the third arm recited in claim 1 of the instant application.

For these reasons, the applicant requests that the Examiner withdraw the obviousness rejection of claim 1.

Claims 2-4 depend from claim 1, which the applicant submits is allowable. Therefore, favorable reconsideration of these claims is also requested.

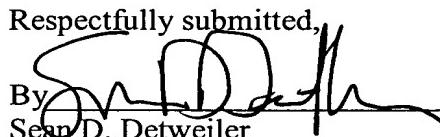
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

CONCLUSION

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Applicant believes no additional fee is due with this statement beyond that which has been submitted herewith. However, if an additional fee is due, please charge our Deposit Account No. 12-0080, under Order No. BEW-007REI from which the undersigned is authorized to draw.

Dated: April 25, 2005

Respectfully submitted,

By
Sean D. Detweiler
Registration No.: 42,482
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant